

CIVIL CASE NO. 1:11cv307

Defendant.

ORDER

On December 20, 2012, the Magistrate Judge filed a Memorandum and Recommendation in which he recommended denying the Plaintiff's Motion for Judgment on the Pleadings and granting the Defendant's Motion

for Summary Judgment. [Doc. 19]. The parties were advised that any objections to the Magistrate Judge's conclusions and recommendations were to be filed in writing within fourteen days of service of the Recommendation and that failure to file objections to the Memorandum and Recommendation would preclude the parties from raising any objection on appeal. [Id., at 17]. The period within which to file objections expired on January 7, 2013 and no written objections to the Memorandum and Recommendation have been filed by either party.

Having conducted a careful review, the Court concludes that the Magistrate Judge's recommendation is supported by the record and the law. Accordingly, the Court hereby accepts the Magistrate Judge's recommendation.

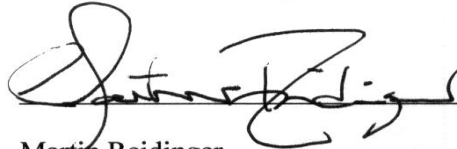
ORDER

IT IS, THEREFORE, ORDERED that the Plaintiff's Motion for Judgment on the Pleadings [Doc. 12] is hereby **DENIED**.

IT IS FURTHER ORDERED that the Defendant's Motion for Summary Judgment [Doc. 16] is hereby **GRANTED** and the Defendant's decision is hereby **AFFIRMED**.

The Clerk of Court is instructed to enter Judgment simultaneously
herewith.

Signed: January 11, 2013


Martin Reidinger
United States District Judge

